

117TH CONGRESS  
1ST SESSION

# S. 319

To amend the Foreign Agents Registration Act of 1938, as amended, to strengthen the conspicuous statement required on certain informational materials, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2021

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To amend the Foreign Agents Registration Act of 1938, as amended, to strengthen the conspicuous statement required on certain informational materials, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*

2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Democracy Dies in

5       Darkness Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1                             (1) On February 18, 2020, the Department of  
2 State designated the China Daily as a foreign mis-  
3 sion for the purposes of the Foreign Missions Act  
4 (22 U.S.C. 4301 et seq.).

5                             (2) Under its most recent registration state-  
6 ment required under section 2 of the Foreign Agents  
7 Registration Act of 1938, as amended, the China  
8 Daily reported receiving \$4,775,792.81 from its for-  
9 eign principal between November 1, 2019, and April  
10 30, 2020, for the purpose of disseminating informa-  
11 tional materials.

12                             (3) Between November 2016 and October 2020,  
13 the Washington Post received more than  
14 \$4,600,000, and the Wall Street Journal received  
15 more than \$6,000,000, for services, including adver-  
16 tising and printing, as disclosed to the Department  
17 of Justice.

18                             (4) Beijing's Global Megaphone, a special re-  
19 port by Freedom House, states that "Beijing is  
20 gaining influence over crucial parts of some coun-  
21 tries' information infrastructure, as Chinese tech-  
22 nology firms with close ties to the CCP build or ac-  
23 quire content-dissemination platforms used by tens  
24 of millions of foreign news consumers."

1                         (5) On January 15, 2020, the Washington Post  
2         noted, “Aware that the audience for the China Daily  
3         might be limited, Beijing has adopted a practice it  
4         calls ‘borrowing the boat to reach the sea’ to place  
5         its content in advertorial China Watch supplements  
6         in respected newspapers . . .”.

7                         (6) A 2019 report published by the School of  
8         Advanced International Studies at Johns Hopkins  
9         University details how China uses information cam-  
10         paigns to communicate its capabilities, undermine  
11         the credibility of foreign political systems, and cor-  
12         rect “misperceptions” by addressing negative report-  
13         ing.

14                         (7) The 2018 annual report of the U.S.-China  
15         Economic and Security Review Commission rec-  
16         ommends that Congress direct the Department of  
17         Justice to clarify labels required by the Foreign  
18         Agents Registration Act of 1938, as amended, on in-  
19         formational materials disseminated on behalf of for-  
20         eign principals, such as the China Daily, so that  
21         those labels must appear prominently at the top of  
22         the first page of such materials.

23 **SEC. 3. SENSE OF CONGRESS.**

24         It is the sense of Congress that—

1                             (1) foreign governments abuse paid supplements,  
2                             including paid supplements in the form of  
3                             newspaper inserts, to propagate disinformation to  
4                             audiences in the United States through the information  
5                             infrastructure of the United States;

6                             (2) the conspicuous statement required under  
7                             section 4(b) of the Foreign Agents Registration Act  
8                             of 1938, as amended (22 U.S.C. 614(b)), plays an  
9                             important role in upholding the freedom of speech  
10                            by—

11                             (A) clearly distinguishing the author of informational  
12                             material for its readers; and

13                             (B) making the readers of certain informational  
14                             materials aware that the informational  
15                             material is paid content; and

16                             (3) regulations in existence on the date of enactment  
17                             of this Act allow foreign principals to place  
18                             the conspicuous statement required under section  
19                             4(b) of the Foreign Agents Registration Act of  
20                             1938, as amended in an area that is less likely to  
21                             be viewed by readers, thereby defeating the purpose  
22                             of the conspicuous statement.

1   **SEC. 4. MODIFICATION OF FARA DISCLOSURE REQUIRE-**  
2                         **MENTS.**

3                 (a) DEFINITIONS.—Section 1 of the Foreign Agents  
4   Registration Act of 1938, as amended (22 U.S.C. 611)  
5   is amended—

6                         (1) in subsection (p), by striking the period at  
7   the end and inserting a semi-colon; and  
8                         (2) by adding at the end the following:

9                 “(q) The term ‘paid publication supplement’ means  
10   any informational material for which an agent of a foreign  
11   principal pays to be included as a part of, inserted within,  
12   or attached to, a covered publication based in the United  
13   States.

14                 “(r) The term ‘covered publication’—

15                         “(1) means a print or digital—

16                                 “(A) news publication;

17                                 “(B) magazine;

18                                 “(C) journal; and

19                                 “(D) informational publication; and

20                         “(2) includes a blog or social media website  
21   that runs advertisements.”.

22                 (b) CONSPICUOUS STATEMENT.—Section 4 of the  
23   Foreign Agents Registration Act of 1938, as amended (22  
24   U.S.C. 614) is amended—

25                         (1) by inserting “(1)” after “(b)”;

1                   (2) in paragraph (1), as so designated, by strik-  
2                   ing “The Attorney General” and inserting “Subject  
3                   to paragraphs (2) through (4), the Attorney Gen-  
4                   eral”; and

5                   (3) by adding at the end the following:

6                   “(2) A conspicuous statement required to be placed

7                   in an informational material under paragraph (1) shall—

8                   “(A) be clearly readable;

9                   “(B) have a font color that contrasts with the

10                  background color; and

11                  “(C) be placed at the top of the first page of  
12                  the informational material.

13                  “(3) An informational material that is a paid publica-  
14                  tion supplement shall include the following disclosure as

15                  a part of the conspicuous statement required under para-

16                  graph (1): ‘This supplement was paid for and prepared

17                  on behalf of [name of agent of foreign principal], an offi-

18                  cial publication of [name of foreign principal].’.

19                  “(4) If a covered publication in which an informa-  
20                  tional material that is a paid publication supplement is

21                  published is not involved in the creation of the paid publi-

22                  cation supplement, the disclosure required under para-

23                  graph (3) shall include the following statement: ‘[Name

1 of covered publication] was not involved in the creation  
2 of this supplement.'".

